

February 12, 2013

Commissioner Joe Martens
NY State Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Dear Commissioner Martens,

In September, you asked me to initiate a Public Health Review of the Department of Environmental Conservation's (DEC) draft Supplemental Generic Environmental Impact Statement (SGEIS) for High Volume Hydraulic Fracturing (HVHF).

The Department of Health review is considering whether the final draft SGEIS adequately identifies potential public health impacts of HVHF and whether additional mitigation measures are needed beyond those already proposed in the draft SGEIS.

The decision to permit HVHF is important, and involves complex questions about the impact of the process on public health. The time to ensure the impacts on public health are properly considered is before a state permits drilling. Other states began serious health reviews only after proceeding with widespread HVHF.

In my view, that is not the right approach for New York to take if we are serious that public health is the paramount question in making the HVHF decision. And as Health Commissioner, protecting the public health is my primary job.

The Department of Health review of the EIS is on-going. In particular we are focused on the relationship of HVHF to the health impacts of drinking water contamination, but also other areas such as air quality and community impacts.

In recent weeks, work has been initiated or published by the scientific community to analyze these health impacts and which may help in addressing these areas. These are the first comprehensive studies of HVHF health impacts at either the state or federal level. They include:

- The US EPA hydraulic fracturing study. This is a study of potential impacts of HVHF on drinking water resources. Commissioned by Congress, this includes 18 research related projects. The EPA published a 278 page progress report a few weeks ago which we are reviewing.

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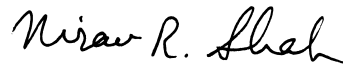
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- Geisinger Health Systems study. Geisinger, which cares for many patients in areas where shale gas is being developed in Pennsylvania, is undertaking studies to analyze health records for asthma and other respiratory diseases, accidents and injuries, as well as birth outcomes.
- University of Pennsylvania study. A study of HVHF health impacts was recently announced, led by researchers from the University of Pennsylvania and in collaboration with scientists from Columbia, Johns Hopkins and the University of North Carolina.

As we have been reviewing the scope of these studies, I have determined -- and prudence dictates -- that the DOH Public Health Review will require additional time to complete based on the complexity of the issues. My team and I will be in Pennsylvania and Washington in the coming days for first-hand briefings on these studies and their progress, which will assist in informing the New York review. I have also extended the term of the DOH outside expert researchers to continue to assist my review. I anticipate delivering the completed Public Health Review to you within a few weeks, along with my recommendations.

From the inception of this process, the Governor's instruction has been to let the science determine the outcome. As a physician and scientist, I could not agree more. Whatever the ultimate decision on HVHF going ahead, New Yorkers can be assured that it will be pursuant to a rigorous review that takes the time to examine the relevant health issues.

Sincerely,



Nirav Shah, MD, MPH

Commissioner, Department of Health

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